

Application No.: 10/657,237Docket No.: 300200017-2 US (1509-450)**REMARKS**

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-17 remain pending. Dependent claims 18-20 have been added to secure an appropriate scope of protection to which applicants are believed entitled.

The Examiner's rejection of claims 1-10, and 12-17 under 35 U.S.C. 102(e) as being anticipated by Deshpande (U.S. Published Application 20030003933) is hereby traversed. A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. There are at least two reasons why claim 1 is patentable over Deshpande.

Claim 1 is patentable over Deshpande as Deshpande fails to disclose at least "verifying the trustworthiness of the provider of the service with a party independent from said provider" and "on successful verification of the provider of the service, providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider."

First, FIG. 1 and the Abstract of Deshpande describe a communication device located within an area serviced by multiple wireless network access service providers without disclosing the verification of the trustworthiness of any of the service providers. Deshpande at paragraph 8 fails to disclose any verification of the service providers offering service to the communication device. Deshpande at paragraph 8 states only that users can take advantage of one of the one or more service offerings without describing verification of the trustworthiness of any provider.

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To the contrary, Deshpande describes using selection criteria to determine to which service provider the user will connect. The selection criteria include, for example, "the least expensive provider" and "the highest per user bandwidth capability" provided by the provider. Deshpande at paragraph 16. Deshpande appears oblivious to issues of security and trust related to the service providers. Careful consideration of Deshpande, and particularly the Examiner-cited passages, has been made, but there is no disclosure in Deshpande to support the Examiner's assertions. Deshpande fails to disclose verifying the trustworthiness of the providers. For at least this reason, claim 1 is patentable over Deshpande and the rejection should be withdrawn.

Further, Deshpande fails to disclose verifying the trustworthiness "with a party independent from said provider" as claimed in the subject matter of claim 1. Deshpande at paragraph 21 states that:

"the service providers can be interrogated for information related to the cost of using the provider's services. Similarly, the service providers can each be interrogated for information related to the quality and/or performance of the connection that the provider can presently supply."

That is, the user by way of the communication device interrogates the service providers for information and compares the information to the above-described selection criteria without reference to any other party, much less a party independent from the service provider. "A service provider is then selected based upon the information received from the identified service providers and the user-specific selection criterion (block 64)." Deshpande at paragraph 21. For at least this reason, claim 1 is patentable over Deshpande and the rejection should be withdrawn.

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Second, and related to the first point above, Deshpande fails to disclose "providing the user with a confirmation that the provider of the service is authenticated by the cellular communications service provider." Applicants have reviewed Deshpande, and in particular FIGs. 1 and 3, the Abstract, and paragraph 7, 8, and 21, and have nowhere found any disclosure of authentication of the service provider by a cellular communications service provider. As described above, Deshpande describes a user interrogating service providers for information evaluated against user criteria to determine to which service provider the user will connect without reference to any verification or authentication of the service provider by another party. The Examiner is requested to identify with particularity where in Deshpande there is support for the claim limitation. Without more, the rejection should be withdrawn as Deshpande fails to disclose authentication of the service provider, much less providing a user with confirmation of authentication. For at least this reason, claim 1 is patentable over Deshpande and the rejection should be withdrawn.

Based on at least the foregoing, claim 1 is patentable over Deshpande and withdrawal of the rejection is in order.

Claims 2-9 depend, either directly or indirectly, from claim 1, include further important limitations, and are patentable over Deshpande for at least the reasons advanced above with respect to claim 1. Withdrawal of the rejection of claims 2-9 is in order.

Independent claim 10 is patentable over Deshpande as Deshpande fails to disclose authenticating the service providers as claimed in the subject matter of claim 10. As described above with respect to claim 1, Deshpande describes the interrogation of service providers in order to obtain information for determining to which service provider the user will connect. The information obtained includes cost and performance. Deshpande at paragraph 16. There is no

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disclosure of authenticating service providers in Deshpande. The Examiner is requested to identify with particularity where in Deshpande there is support for the claim limitation.

Further, similar to the second point advanced above with respect to claim 1, there is no disclosure of authentication of service providers by a cellular telecommunications provider. For either of the foregoing reasons, claim 10 is patentable over Deshpande and withdrawal of the rejection is in order.

Claims 12-13 depend, either directly or indirectly, from claim 10, include further important limitations, and are patentable over Deshpande for at least the reasons advanced above with respect to claim 10. Withdrawal of the rejection of claims 12-13 is in order.

Independent claims 14 and 15 are patentable over Deshpande for at least reasons similar to those advanced above with respect to claim 10 and withdrawal of the rejections is in order.

Claims 16-17 depend, either directly or indirectly, from claim 15, include further important limitations, and are patentable over Deshpande for at least the reasons advanced above with respect to claim 15. Withdrawal of the rejection of claims 16-17 is in order.

The Examiner's rejection of claim 11 under 35 U.S.C. 103(a) as being unpatentable over Deshpande in view of Henry et al. (U.S. Patent 6,856,800) is hereby traversed. Deshpande fails to disclose all limitations of the present claimed subject matter for at least the reasons advanced above with respect to claim 10 and Henry fails to cure the above-noted deficiencies. For at least this reason, the rejection of claim 11 should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.


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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025 and please credit any excess fees to such deposit account.

Respectfully submitted,

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